is not satisfactory to those making Provided further, That this Act shall see the quantity of land sought to be hree hundred acres. Act shall in nowise impair the law

relative to homesteads or pre-emp-lar relative to the granting of lands have law relative to the granting of lands truction of highways, public roads and at all laws and parts of laws in con-

Requiring and Authorizing the Comp-Refund Certain Moneys Collected as Tax in the Drainage District Created uthority of an Act of the Legislature of

The Legislature of Florida, at its reguin 1905, passed an Act creating the minage Commissioners, and author-Board to lay out drainage districts,

aid Board to lay out drainage districts,
y drainage tax; and
The said Board of Drainage Commislaid out a drainage district embracing in
a in part the Counties of Dade, Osceola,
Lee and St. Lucie, and levied a drainof five cents per acre on all lands lying
said drainage district; and
The United States Circuit Court of the
m District of Florida subsequently deaid Act of the Legislature unconstitu-

Act of the Legislature unconstitu-

cted by the Legislature of the State of

1. That it shall be the duty of the lir, upon satisfactory showing to him by collectors of the said several counties, of at of drainage tax collected in said several counties. ant of drainage tax collected in said sevenies, under authority of the said Act of of draw his warrants in favor of the said ax Collectors for the several amounts of inage tax paid by each of said counties, which warrants he shall transmit to Collectors of the said several counties of whole or in part in said drainage distansmitting to each Tax Collector the of such drainage tax paid under said Act in the particular county of each tax Col-

2. That upon receipt of the warrants reto be issued by the first Section hereof, it
the duty of the said several Tax Collectinstribute said money to the persons who
the actual amount of such tax paid by
taking a receipt therefor, causing all
ross to sign a list or roll, upon which list
all be specified the names of such persons
to money paid to each. Such

CHAPTER 5945-(NO. 76).

T to Amend Section 658, of the General sof the State of Florida, Relating to the for of Copies of Statutes and Disposition

ed by the Legislature of the State of

1. That Section 658 of the General of the State of Florida, be amended so as

658—Number of Copies of Statutes, and Thereof.—The contractor shall com-deliver three thousand copies of said and matter furnished him therewith, as to the Secretary of State, who shall, as possible after their publication, distribute follows: One copy to the Governor, each officer, each member of the Senate and the Secretary of the Senate and Chief Clerk House, each member of Congress from this each of the Justices of the Supreme Court, it of the Supreme Court, the Judge of each Court, the State Attorney for each judicial of the State, the Judge of each Criminal Record, the Solicitor of each Criminal ord, the Clerk of each Criminal Court ord, the Cierk of each Court, and the Prosecuting Attorney of each Court each County Judge, Sheriff, Clerk Arcuit Court, County Superintendent of struction, Assessor, Tax Collector, Treas-Instruction, Assessor, Tax Collector, Treascard of County Commissioners, each Justhe Peace, State Board of Health, Railroad
mion, Superintendent of the Hospital for
mae, Adjutant General, State Chemist,
Auditor, University of Florida, Florida
College, Colored Normal School, School
Deaf, Blind and Dumb, Board of Control,
omey General of the United States, each
ledges, Marshals, Clerks and District Atof each of the District Courts of the United
mithin this State, to the Secretray of State
State and Territory in the United States
sale of their offices; twelve copies to the use of their offices; twelve copies to the prof State of the United States, for the use by the Secretary of State according

3. That all laws and parts of laws in con-th the provisions of this Act be, and the te hereby, repealed. oved June 5, 1909.

CHAPTER 5946-(NO. 77).

to Regulate Osteopaths and Osteopathy d by the Legislature of the State of

the That the Governor shall appoint a cord of Osteopathic Examiners, which imposed of three practicing osteopathic who are graduates in good standing of pathic college, recognized by the American Association, and that no two shall be residents of the same judicial

ne of the said members shall be ap two years, one for three years, and one is. and the members appointed to such these shall continue in office for four me shall be filled by the Governor for determ. Said Board shall elect one for President and one Secretary, and linecessary rules for the guidance and

in meetings.

ch Board shall meet at times and fixed by it, and conduct examinating licenses as hereinafter provided. If meet not less often than once each all give at least one month's notice of by publication once a week in a general circulation throughout the

Dy publication once a week in a general circulation throughout the aid Board shall examine thoroughly and for a certificate of qualification to opathy in any of its branches or depon production of a diploma as herefall, from a college recognized by the sepathic Association, upon the following the practice of osteopathy, chemistry, plene, pathology, physical diagnosis, p. bacteriology, toxicology, and no all be given to any school of osteodiploma mentioned must be, for ting prior to July, 1907, from a college are of twenty months, and for my since July, 1907, from a college are of twenty-seven months. When so such examination, shall be satisfication of an applicant, they ma certificate to that effect, which in the the person to whom granted practice osteopathy in any county, shall have been recorded as here—und shall confer upon him all the time conferred by law upon other except the right to administer insamples and perform major surgery. Such all not be required of licentiates after who have been in continuous or more years, who are graduous more more years, who are graduous of more years, who are gr

granted, and shall be entitled, for such service, to collect from the holder of such certificate the legal

sec. 6. The Board shall require of every person applying for a certificate, a fee of twenty-five dol-lars, whether such person be granted a certificate after examination, or upon conformity with the other requirements of this Act, and in case of exother requirements of this Act, and in case of examination, whether a certificate be granted or not.

Sec. 7. In case of failure of any applicant, the Board may examine him at any time thereafter. at a meeting held by it, upon payment by him of the fee hereinbefore provided for.

Sec. 8. Any person practicing as an osteopathic physician without having first obtained and recorded a certificate of qualification from the Board of Examiners, hereinbefore provided for, shall be months, or by a fine not exceeding six dollars.

Approved May 10, 1909.

CHAPTER 5947-(NO. 78).

AN ACT to Regulate the Practice of Optometry to Provide for a Board of Examiners and for the Examination of Practitioners of Optometry, for the Registration of Licensed Practitioners, and Prescribing Penalty for Its Violation.

Be it Enacted by the Legislature of the State of

Section 1. That the practice of optometry, for the purposes of this Act, is defined as follows, viz: The use or employment of tests or examinations for the determination of the natural and function-

lenses for the aid thereof.

Sec. 2. There is hereby created a Board to be known and styled the "Florida Board of Examiners in Optometry," to be composed of five regular opticians, residents of the State of Florida, who have been engaged in the practice of optometry in said State for two years. Said Board shall be appointed by the Governor as soon as practicable after the passage of this Act, one member for a term of one year, one for two years, one for three years, two for four years, and each until his successor is appointed and qualified; and the terms of members thereafter appointed shall be for four years; Provided, however, That the appointments to fill vacancies, which the Governor is hereby empowered to make, shall be for the unexpired term. have been engaged in the practice of optometry

sec. 3. Said Board of Examiners shall elect, at its first regular meeting, and annually thereafter, one of its members as President and one as Secretary and Treasurer, and shall hold a regular meeting at least once each year at such time and place as the said Board may determine; special meetings may be called and held at such times and places as may be designated by the President and Secretary, and such special meetings shall be held upon the application of five applicants for examination. At least thirty days' notice of any regular meeting shall be given by publication once a week in a newspaper of general circulation through out the State. taking a receipt the distinct and the di

consider necessary to the proper performance of its duties; may take testimony concerning any matter within its jurisdiction, and each member thereof may administer oaths. It shall be the duty of said Board to examine thoroughly every applicant desiring to practice outcomes, it is applicant desiring to practice optometry in this State, and if a majority of said Board shall be satisfied that said person is competent, and possesses the knowledge essential to such practice, they shall grant him a certificate to that effect and enter his name on their records as a registered practitioner. The Secretary shall keep a full record of the proceedings of the Board which records shall at all reasonable times be open to ublic inspection.

Sec. 6. Every person, except as hereinafter provided, before beginning to practice optometry in this State after this Act shall go into effect, shall pass an examination before said Board of Examiners, as provided for in Section five of this Act, and any person having signified his desire to be so examined, shall appear before the Board at such time and place as they may designate. Be-fore taking said examination, the applicant shall pay, for the use of said Board in defraying the legitimate expense, as hereinafter provided, the sum of ten dollars, and if he shall successfully pass said examination, he shall pay, for the use of the Board as aforesaid, the further sum of five dollars upon the issuance to him of the certificate of qualification to be signed by the President and of qualification, to be signed by the President and

Secretary.
Sec. 7. The certificate provided for in the two preceding sections shall be recorded in the office of the Clerk of the Circuit Court of the county in which such practitioner may desire to sojourn, and in the county where he may practice, in a book to be kept by the Clerk for that purpose, before the person to whom it is granted shall be entitled to practice by virtue thereof; and when so recorded the Clerk shall certify thereon, under his official seal, the fact and date of such record, and shall return such certificate to the person to whom the same was granted, and shall be entitled for such service to collect from the holder thereof the

Sec. 8. All persons to whom may have been granted a certificate of graduation, or diploma, indicating competency of the holder to engage in the practice of optometry, by any well recognized school, college or institute wherein instruction in the essentials of optometry may have been taught and who may have been engaged in the practice of optometry in the State of Florida for a period of two years prior to the date of the passage of this act are exempt from the examination herein provided for, and on presenting to said Board such-certificate of graduation, or diploma, or in the event of the loss of the same, satisfactory evidence of its issuance, and on presenting satisfactroy proof, by affidavit or otherwise, that the party applying for certificate is exempt from amination under this section, such person shall be entitled to receive from said Board, a certificate of qualification upon the payment of the sum of five dollars therefor; Provided, The application for such certificate be made in writing within six months from the passage of this Act, and if not so made all right to a certificate under this section is waived and forfeited, and the same shall issue only after successfully passing examination and paying fee, as provided for in Section Six. All persons exempt from examinations as above practice without a certificate from said Board for period not exceeding six months from the pas sage of this Act, and such certificate, when issued shall be recorded as if based upon examination.

Sec. 9. Out of the funds coming into the possession of said Board, each member thereof may receive as compensation the sum of five dollars for each day he is actually engaged in the duties of his office, and mileage at three cents per mile, for discovering the sum of the duties of his office, and mileage at three cents per mile. office, and mileage at three cents per line, for its tances necessarily traveled in going to and coming from the meetings of the Board. The said expenses shall be paid from the fees and assessments received by the Board under the provisions of this Act, and no part of the salary or other expenses of the Board shall be paid out of the State Treasury, the Board shall be paid out of the State Treasury. Act, and no part of the salary or other expenses of the Board shall be paid out of the State Treasury, or be a charge against the State, nor shall the State be in anywise responsible for any indebtedness which may be created by said Board. All moneys received by said Board under the provisions of this Act, shall be held by the Secretary as a special fund out of which may be paid the per diem allowance and mileage of members as aforesaid, and the expenses incurred by the Board in carrying out the provisions of this Act, and the said Board shall make an annual report of its proceedings to the Governor on the first Monday in January of each year, which report shall contain an account of all moneys received and disbursed by them in pursuance of the provisions hereof.

Sec. 10. Any person who shall hold himself out to the public as a practitioner of optometry, or who shall engage in the practice of optometry, without first complying with the provisions of this Act, or who shall violate any of the provisions of said Act, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than two hundred dollars, or by imprisonment not exceeding six months.

by imprisonment not exceeding six months.

Sec. 11. Nothing in this Act shall be construed to apply to physicians and surgeons authorized to practice under the laws of Florida, nor to dealers in optical goods who sell spectacles, or eye glasses, without attempting to traffic upon skill in adapt-

Sec. 12. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed with the provisions of this A Approved May 21, 1909.

CHAPTER 5948-(NO. 79).

AN ACT to Amend Section 1203, of the General Statutes of the State of Florida, Relating to the Powers and Duties of Pilot Commissioners. Be it Enacted by the Legislature of the State of

Section 1. That Section 1293, of the General Statutes of the State of Florida, be amended so as

Statutes of the Sacrification of the Section 1293—Commissioners to Examine and Section 1293—Commissioners to Examine and License, Pilots.—Said Board of Commissioners shall examine persons who may wish to be licensed as pilots in all matters pertaining to the management of vessels; also, in regard to their knowledge

of the channel and harbor where they wish to act as pilots; and if upon examination they find them qualified to take command of all classes of vessels liable to enter that port, and thoroughly familiar with the channel and currents of the harbor, they shall appoint and license such a number of those found qualified as are requisite to perform the duties required of the pilots for that port; so that there shall not be more than twenty-five licensed pilots for the port of Pensacola, four for the ports of Apalachicola and Carrabelle, at both east and west passes, inclusive, four for the port of Fernandina and Nassau Inlet, eleven for the port of St. Johns, eight for the port of Port Tampa three for the port of Punta Gorda, three for the port of Charlotte Harbor, two for the port of St. Andrews, for the port of Punta Gorda, three for the port of Charlotte Harbor, two for the port of St. Andrews, two for the port of Cedar Keys, ten for the Port of Key West, and two for any other port not specifically mentioned in this Chapter; and thereafter, when vacancies occur in the number of pilots in any of the ports of this State the Commissioners of that port may, in their discretion, grant license as pilots heretofore provided until the number of pilots reaches the number allowed by this Chapter for that port: Provided, kowever. That pilots who are now duly licensed shall hold their office according to law. Said pilots shall be entitled to hold their licese and appointments during good behavior, and the said Board shall require from each pilot satisfactory bonds for the faithful performance of his duties.

Sec. 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

sec. 2. All laws and parts of laws in connect with the provisions of this Act are hereby repealed Sec. 3. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved May 20, 1909.

CHAPTER 5949-(NO. 80).

AN ACT to Provide for the Admission of Gradu-ates of Law Departments of Chartered Univer-sities and Chartered Law Schools to Practice Law in the Courts of Florida.

Be it Enacted by the Legislature of the State of

Section 1. From and after the passage of this Act any graduate of any law school chartered by and existing in this State, or any graduate of the law department of any chartered university in this State, which school or department shall mainthis State, which school or department shall maintain the course of study prescribed by the Supreme Court and the character of whose work is satisfactory to said Court, shall at any regular examination given by said Court for the admission of attorneys, receive from said Supreme Court a license or permission to practice law in all the courts of this to practice law in all the courts of this State without examination to legal attainments, upon producing to said Supreme Court his diploma, duly issued by the proper authorities, and upon giving satisfactory evidence that he is twenty-one years of age and of good moral character and upon taking the prescribed oath.

Sec. 2. That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. That this Act shall become a law upon ts approval by the Governor. Approved June 4, 1909.

CHAPTER 5950-(NO. 81).

AN ACT to Amend Sections 10, of Chapter 4631 (117), Laws of Florida, the Same Being an Act to Amend Sections 2, 3, 5, 6, 7, 8 and 10 of an Act to Incorporate the Florida Chautauqua Association, Approved February 12, 1885.

Be it Enacted by the Legislature of the State of

Section 1. That Section 10, of said Chapter 4631, be and is hereby amended to read as follows; Sec. 10. The Florida Chautauqua Association may incur indebtedness to the extent of thirtyfive thousand dollars on its real and personal property in addition to five thousand dollars of annual or floating indebtedness against the same in its corporate capacity, and the said Florida Chautauqua Association be, and is hereby, authorized to incur liabilities to the amount of thirty-five thousand dollars in notes, bonds, mortgages and other certificates of indebtedness on its real and personal property as aforesaid.

Sec. 2. This Act shall take effect immediately upon its approval by the Governor or upon its beoming a law without his approval. Approved June 8, 1909.

CHAPTER 5951-(NO. 82).

AN ACT Defining What Shall Constitute Due Diligence on the Part of a Bank in the Collec-tion of Checks, Drafts, Notes or Other Nego-tiable Instruments, and Fixing the Liability of Bank, Drawer, Maker, Guarantor, Surety and

Be it Enacted by the Legislature of the State of Florida:

That when a check, draft, note or othe negotiable instrument is deposited in a bank for credit, or for collection, it shall be considered due diligence on the part of the bank in the collection of any check, draft, note or other negotiable in-strument so deposited, to forward en route the same without delay in the usual commercial way in use according to the regular course of business of banks, and that the maker, endorser, guarantor or surety of any check, draft, note or other negotiable instrument, so deposited, shall be liable to the bank until actual final payment is received. and that when a bank receives for collection any check, draft, note or other negotiable instrumen and forwards the same for collection, as herein provided, it shall only be liable after actual final payment is received by it, except in case of want of due diligence on its part, as aforesaid.

Sec. 2. All laws which are in conflict with this

Act are hereby repealed, and this Act shall take effect immediatley upon its approval by the Gov-

Approved June 8, 1909.

CHAPTER 5952-(NO. 83). AN ACT to Protect Gophers.

Be it Enacted by the Legislature of the State of

Section 1. That it shall be unlawful to take or section 1. That it shall be unlawful to take or sell any gophers (scientifically known as the Testudo Polyhemus, or Florida Tortoise or Land Turtle) from the counties of Escambia. Santa Rosa and Walton during the months of May, June and July, or to take them with hooks or other appliances inserted into their holes or to take or sell them of a size less than nine (9) inches in length of the under shell.

Sec. 2. That any person violating this Act

length of the under shell.

Sec. 2. That any person violating this Act shall, upon conviction, be punished by a fine of not more than twenty-five (\$25.00) dollars, or by imprisonment in the county jail for not more than ten days, and that the taking or selling of gophers, in violation of this Act, shall be a separate offense.

Sec. 3. The Game Warden of each county shall be charged with the enforcement of this law.

Sec. 4. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved June 7, 1909.

CHAPTER 5953-(NO. 84).

N ACT Authorizing the Employment of an Additional Bank Examiner.

Whereas, There are now over one hundred and thirty State banks in this State, in addition to many private banks; and

Whereas, The law requires that every one of said banks shall be thoroughly examined at least once in each year, and oftener if deemed neces-sary, and that savings banks shall be examined at least twice a year; and
Whereas, the best interests of the people of the
State require adequate examination of banks;

Whereas, It is not practicable for such examinations to be made by one examiner;

Therefore-Be it Enacted by the Legislature of the State of

Section 1. That the Comptroller, in the supervision of banks, shall have the power to employ an additional discreet and competent person as bank examiner, whose duties and compensation shall be governed by the law authorizing the employment of a bank examiner.

Approved June 7, 1999.

CHAPTER 5954-(NO. 85).

AN ACT to Prevent Pollution or Contamination of the Waters of the Lakes, Rivers, Streams and Ditches in the State of Florida, and Prescribing a Penalty for the Violation Hereof.

Be it Enacted by the Legislature of the State of

Section I. Any person or persons, firm, company, corporation or association in this State, or the managing agent of any person or persons, firm, company, corporation or association in this State, or any duly elected, appointed or lawfully created State officer of this State, or any duly elected, appointed or lawfully created officer of any county, eity, town, municipality, or municipal government in this State, who shall deposit, or who shall permit or allow any person or persons in their, employ or under their control, management or direction to deposit in any of the waters of the lakes, rivers, streams, and ditches in this State, any rubish, flith, or poisonus, or deleterious substance or substances, liable to effect the health of persons, fish, or live stock, or place or-deposit

of the channel and harbor where they wish to act | any such deleterious substance or substances in any such deleterious substance or substances in any place where the same may be washed or infiltered into any of the waters herein named, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be fined in a sum not more than five hundred dollars; "Provided, further, That the carrying into effect of the provisions of this Act shall be under the supervision of the State. Board of Heath."

Sec. 2. This Act shall become effective on July 1st, 1909.

1st, 1909.

Approved June 7, 1909.

CHAPTER 5955-(NO. 86).

AN ACT to Fix the Standard of Cotton Seed Meal Sold in this State; to Prohibit the Sale of Inferior Cotton Seed Meal Without Notice to the Public; to Prohibit the Misbranding of Cotton Seed Meal; and Providing Penalties for Violations of This Act.

Be it Enacted by the Legislature of the State of

Section 1. That the sale of any cotton seed meal made from short staple cotton, commonly known as "Bright Cotton Seed Meal," and containing less than 6.18 per cent of nitrogen, taining less than 6.18 per cent of nitrogen,—equivalent to 7.50 per cent. of ammonia.—or the sale of any cotton seed meal made from sea island Cotton, commonly known as "Dark Cotton Seed Meal," and containing less than 3.7 per cent, of nitrogen, equivalent to 4.50 per cent, of ammonia is prohibited in the State of Florida; Provided, That "bright" or "dark" cotton seed meal, as herein defined, which contains less nitrogen of ammonia than is specified herein, may be sold in this State when there is plainly printed, in capital letters, on the guarantee tag now provided by law the words "Second-Class Cotton Seed Meal."

Sec. 2. That the sale of inferior, mixed, or adulterated materials as cotton seed meal, by qualifying the trade mark, name or brand, "Feed Meal."
"Dairy Meal." "Star Meal." "Stock Feed Meal."

"Dairy Meal." "Star Meal." "Stock Feed Meal."
"Dairy Meal." "Star Meal." "Stock Feed Meal."
or any other qualifying words or signs, is prohibited, and all goods sold or offered for sale as cotton seed meal shall contain the minimum percentage of nitrogen specified in Section one of this Act, except such as are plainly marked in capital letters, "Second-Class Cotton Seed Meal," as provided in Section One of this Act.

Sec. 3. That the guarantee tag as is now are

Sec. 3. That the guarantee tag as is now provided for in the fertilizers and stock food laws of this State shall in all cases be attached to each package or sack of cotton seed meal, showing the minimum percentages of valuable ingredients, with the additional qualifying words, "Second-Class Cotton Seed Meal," where nitrogen contents is less than the standard provided for in Section one of this Act for "Cotton Seed Meal."

Sec. 4. Any manufacturer, or importer, or

Sec. 4. Any manufacturer, or importer, or agent of any manufacturer or importer, who shall sell, or offer or expose for sale, any cotton seed meal in a manner prohibited in this Act, shall be guilty of a misdemeanor, and fined five hundred dollars (\$500.00) for the first offense, and one thousand dollars (\$1,000.00) for each subsequent

oftense.

Sec. 5. All cotton seed meal found on analysis of the State Chemist to be materially below the guaranteed analysis under which such cotton seed meal was sold, or is being offered or exposed for sale, either for the standard cotton seed meal, as the second-class cotton seed meal, as herein defined; or any second-class cotton seed meal which has been sold, or is being exposed or offered for sale, without the words "Second-Class Cotton Seed Meal," plainly printed in capital letters on the guarantee tag, shall be subject to seizure by any of the Sheriffs of the State, upon the order of the Commissioner of Agriculture.

Sec. 6. This Act shall not repeal any part of the General Fertilizers and Stock Food Laws already in force in this State, but is supplemental thereto and for the prevention of the adulteration or misbranding of cotton seed meal.

branding of cotton seed meal.

Sec. 7. This Act shall take effect when passed and approved by the Governor. Approved June 8, 1909.

CHAPTER 5956-(NO. 87).

AN ACT Declaring Certain Waters in This State a Navigable Stream. Be it Enacted by the Legislature of the State of

Section 1. That the following waters are hereby declared to be a navigable stream: Beginning on the shore of Lake Mineola at the depot at Clermont, thence through Lake Hiawatha, thence through Canal, thence through Lake Palatlakaha, thence through Lake Minnehaha, thence through Lake Susan, thence through the Palatlakaha River, thence through Lake Louise, to the point nearest the Post Office of Montevista.

Sec. 2. That this Act shall take effect immediately upon its passage and approval by the Gov-

ately upon its passage and approval by the Gov-

Approved June 8, 1909.

AN ACT to Prohibit the Sale or Giving Away of Certain Narcotics, and Providing a Penalty for Violations of the Provisions Thereof.

Be it Enacted by the Legislature of the State of

CHAPTER 5957-(NO. 88).

Section 1. That it is hereby declared a viola-tion of law for any person, firm or corporation to sell, give away or otherwise dispose of any opium, morphine, cocaine, or its salts, atropine, belladonna or conium, to any person or persons, except donna or conjum, to any person or persons, except upon the written prescription of a licensed practicing physician, which prescription shall not be filled but once; Provided, however, That this Section shall not apply to manufacturers making and selling at wholesale to druggists, or to sales thereof, for the use of dentists, physicians, hospitals or intermediate.

Sec. 2. Any person who shall, for themselves or for any other person, firm or corporation, vio-late any of the provisions of this Act shall be deemed guilty of a misdemeanor and, upon con-viction, shall be imprisoned not more than twelve months or fined not more than one hundred dol-

Approved June 9, 1909.

CHAPTER 5958-(NO. 89).

AN ACT for the Organization, Management and Co-operation of Agricultural (Viticultural) and Horticultural Non-Profit Co-operative Associa-

Be it Enacted by the Legislature of the State-of Florida:

Section 1. Three or more persons engaged in Section 1. Three or more persons engaged in the production, preserving, drying, packing, shipping or marketing of agricultural (viticultural) or horticultural products, or (all) of them, may form a non-profit co-operative association, under the provisions of this Act, to carry on said business, and such association shall have, and may exercise, the powers authorized by this Act and the powers necessarily incidental thereto, and all other powers granted to private corporations by the laws of

necessarily incidental thereto, and all other powers granted to private corporations by the laws of this State, except such powers as are inconsistent with those granted by this Act.

Sec. 2, Such associations shall not have a capital stock, and its business shall not be carried on for profit. Any person, or any number of persons in addition to the original incorporators, may become members of such association, upon such terms and conditions as to membership and subjuct to such rules and regulations as to their, and each of their, contract and other rights and liabilities between it and the member, as the said associations. titles between it and the member, as the said asso-ciation shall provide in its by-laws. The associa-tion shall issue a certificate of membership to each member, but the said membership, or the said certificate thereof, shall not be assigned by a member to any other person, nor shall the assignithereto be entitled to membership in the associa ber to any other person, nor shall the assigns thereto be entitled to membership in the association or to any property rights or interests therein. Nor shall a purchaser at execution sale, or any other person who may succeed, by operation of law or otherwise, to the property interests of a member, be entitled to membership or become a member of the association by virtue of such transfer. The Board of Directors may, however, by motion duly adopted by it, consent to such assignment or transfer and to the acceptance of the association, but the association shall have the right, by by-laws, to provide for or against the transfer of membership and for or against the assignment of membership and for or against the transfer or and conditions upon which any such transfer or assignment shall be allowed.

Sec. 3. Each association formed under this Act must prepare and file articles of incorporation in the same manner and under the same regulations as now required by law for the incroporation of companies for profit in this State, and therein shall set forth:

1. The nume of the association.

1. The name of the association.
2. The purpose for which it is formed.
3. The place where its principal business will be transacted.
4. The term for which it is to exist, not ex-

4. The term for which it is to exist, not exceeding fifty years.
5. The number of directors thereof, which must not be less than three and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors shall have been elected and shall have accounted office.
6. Whether the voting power and the property rights and interest of each member shall be equal or unequal, and if unequal these articles

shall set forth a general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively, of each member may and shall be determined and fixed, but the association shall have power to admit new members, who shall be entitled to vote and to share in the property of the association with the old members, in accordance with such general rule. This provision of the articles of incorporation shall not be altered, amended or repealed except by the unanimous written consent or the vote of all the members.

7. Said articles must be subscribed by the original members and acknowledged by one of them before an officer authorized by the law of them before an officer authorized by the law of them before and certify acknowledgments of deeds of convevance, and shall be filed in accordance with the provisions of law, and when so filed the said articles of incorporation or certified copies thereof shall be received in all the courts of this State and other places as prima facie evidence of the facts contained therein. shall set forth a general rule or rules applicable to

thereof shall be received in all the courts of this State and other places as prima facie evidence of the facts contained therein.

Sec. 4. Each association incorporated under this Act must, within thirty days after its incorporation, adopt a code of by-laws for its government and management not inconsistent with the provisions of this law. A majority vote of the members or the written assent of members representing a majority of the votes, is necessary to adopt such by-laws. The provisions of the General Laws of this State not inconsistent with the provisions of this Act shall apply to the by-laws of the corporations provided for in this Act. Each association may also, by its by-laws adopted as aforesaid, provide for the following matters:

1. The manner of removal of any one or more of its directors, and for filling any and all vacancies in the Board of Directors.

2. The number of directors and the number of members or votes thereof constituting a quorum.

2. The number of directors and the little members or votes thereof constituting a quorum.

3. The conditions upon which, and the time when, membership of any member in the association made, manner and effect of tion shall cease; the mode, manner and effect of expulsion of a member, subject to the right of the expelled member to have the Board of Directors (equitably) appraise his property interests in the association and to affix the amount thereof in money, and to have the money paid to him within sixty days after such expulsion.

sixty days after such expulsion.

4. The amount of membership fee, if any, and the amount which each member shall be required to pay annually, or from time to time, if at all, to carry on the business of the association, and also the compensation, if any, to be paid by each member for any services rendered by the association to him, and the time of payment and the mannner of collecting the same, and for forfeiture of the interest of the menther in the association for non-payment of the same.

5. The number and qualification of members of the association and the conditions precedent to

 The number and qualification of members of the association and the conditions precedent to membership, and the method, time and manner of permitting members to withdraw, and providing for the assignment and transfer of the interest of the member, and the manner of determining the value of such interest, and providing for the purchase of such interest by the association upon the death, withdrawal or expulsion of a member or upon the forfeiture of his membership, at the option of the association.

6. Permitting members to vote by their proxies

and determining the conditions, manner, form and effect thereof.

Sec. 5. Each association incorporated under

this Act shall have the powers granted by the provisions of this law and other laws of Florida relating to private corporations, and shall also have the following powers.

1. To appoint such agents and officers as its

business may require, and such appointed agents may be either persons or corporations; to admit persons to membership in the associations, and to expel any member pursuant to the provisions of its by-laws; to forfeit the (membership) of any member for violation of any agreement between him and the association, or for his violation of its

him and the association, or for his violation of its by-laws.

2. To purchase or otherwise acquire, hold, own, sell and otherwise dispose of any and every kind or kinds of real and personal property necessary to carry on its business (and to acquire by purchase or otherwise the interest of any member in the property of the association).

3. Upon the written assent or by vote of members representing two-thirds of the total votes of all members to co-operate with any other (co-operate with any other (co-

all members to co-operate with any other (co-operative) corporation or corporations for the co-operative and more economical carrying on of their respective business by consolidation, upon (resolution) adopted by its Board of Directors, to enter into all necessary and proper contracts and agreements, and to make all necessary and proper stipulations and arrangement with any other (cooperative) corporation or corporations, for the co-operative and more economical carrying on of its business, or any part or parts thereof; or any two or more (co-operative) corporations organized under this title, upon (resolutions) adopted by their respective Board of Directors, may purpose of more economically carrying on their respective business, by agreement between them, unite in employing and using, or several associations may separately employ and use, the same methods, means and agencies for carrying on and

methods, means and agencies for carrying on and conducting their respective businesses.

4. Any association formed or consolidated under this Act may be dissolved and its affairs wound up voluntarily by the written request of members representing two-thirds of the total votes, in the manner and with the effect now provided by law, except that the moneys remaining after liquidation shall be divided among the memin proportion to their property interest

Sec. 6. The right of an association claiming to be organized and incorporated and carrying on its business under this Act to do and to continue its business, may be inquired into by quo war-ranto at the suit of the Attroney General, but not

Sec. 7. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved June 8, 1909.

CHAPTER 5959-(NO. 90).

AN ACT to Prohibit Bets or Wagers Upon the Result of Any Trial or Contest of Skill, Speed, or Power of Endurance of Man or Beast, and to Prohibit Any Person From Receiving Anything of Value, Bet or Wagered Upon Any Such Result, and to Prohibit Any Person From Becoming the Custodian or Depository of Any Money or Other thing Bet or Wagered Upon Any Such Result, and Forbidding Any Person From Aiding, Assisting or Abetting Any Such Acts, and Repealing Section 3581 of the General Statutes of the State of Florida.

Be it Enacted by the Legislature of the State of

Section 1. Whosoever stakes, bets or wagers any money or other thing of value upon the result of any trial or contest of skill, speed or power of endurance of man or beast, or whoever receives in any manner whatsoever any money or other thing of value staked, bet or wagered, or offered for the purpose of being staked, bet or wagered by or for any other person upon any such result, or whoever knowingly becomes the custodian or depositever knowingly becomes the custodian or deposit-tory of any money or other thing of value so staked, bet or wagered upon such result, or who-ever aids, or assists, or abets in any manner in any of such acts, all of which are hereby forbidden, shall be guilty of gambling, and shall be punished by imprisonment not exceeding six months, or by fine not exceeding five hundred dollars, or both fine and imprisonment. fine and imprisonment.

Sec. 2. This Act shall not become operative or go into effect until the first day of May, A. D.

CHAPTER 5060---(NO. 91).

Became a law without the approval of the Gov-

AN ACT to Define and Prohibit Usury and Usurious Contracts in This State, and to Require That Mortgages Shall State Separately and Distinctly the Principal, Interest and Fees Secured by Such Mortgages, and to Require Creditors to Give to Debtors Receipts for Money Paid, and Prescribing Penalties for the Violation of This

Be it Enacted by the Legislature of the State of Florida:

Section 1. All contracts for the payment of interest upon loan, advance of money, or forbear-ance to enforce the collection of any debt, or upon any contract whatever at a higher rate of interest than ten per centum per annum, are hereby de-

clared usurious.

Sec. 2. It shall be usury and unlawful for any Sec. 2. It shall be usury and unlawful for any person, association of persons, firm or corporation, or for any agent, officer or other representatives of any person, association of persons, firm or corporation, to reserve, charge or take for any loan, or for any advance of money, or for forbearance to enforce the collection of any sum of money, a rate of interest greater than ten per centum per annum either directly, or indirectly, by way of commission for advances, discount, exchange, or by any contract, contrivance or device whatever, whereby the debtor is required or obligated to pay a sum of money greater than the actual principal sum received, together with interest at the rate of ten per centum, as aforesaid. That the provisions of this Section shall not apply to sales of bonds in excess of one hundred dollars and mortgages securing the same, or Money loaved on honds.

Sec. 3. Any person, association of persons,